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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,643	09/15/2003	Yuhki Yanagisawa	1422-0600P	7998
2292	7590	06/09/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DOUYON, LORNA M	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 06/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,643

Applicant(s)

YANAGISAWA ET AL

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed April 29, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/594,025.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 29, 2005 has been entered.

2. Claims 1, 2 and 4 are pending.

Specification/ Priority

3. The disclosure is objected to because of the following informalities: A reference to the prior application 09/594,025, which was inserted before line 1 of the specification in an amendment dated November 9, 2004, which refers to said copending application as a "divisional", does not match with the Bibliographic Data Sheet and Transmittal Letter dated September 15, 2003 which refers to said copending application as a "continuation" application.

Appropriate correction is required. It is also suggested that the current status of the parent application (i.e. "... now US Patent No. 6,645,931) be added into the first sentence of the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (EP 0,711,828), hereinafter "Davies".

Davies teaches detergent tablets compacted from detergent powder containing detergent active and detergency builder and contain a polymer which acts as a binder and as a disintegrant and which is sprayed into the powder before compaction (see abstract). The binder like polyacrylates are used in an amount within the range of from 0.1 to 10% by weight of the tablet composition (see page 3, lines 51-53), the total amount of detergent-active material in the tablet is suitably from 2 to 50 wt%, (see page 3, lines 56-57), the builders are used in an amount from 5 to 80 wt% (see page 4, lines 43-44). Davies also teaches that the starting particulate composition may suitably have a bulk density of at least 400 g/liter, preferably at least 500 g/liter and advantageously at least 700 g/liter (see page 3, lines 5-6). In Example 1, Davies teaches a detergent tablet prepared from a detergent base powder comprising surfactant, 40.0 wt% zeolite, 1.0 wt% sodium carbonate, 3.7 wt% sodium disilicate, 16.8 wt% sodium percarbonate and 4.3 wt% water, wherein the base powder was sprayed with 5 wt% polyethylene glycol before compaction and wherein the detergent tablet disintegrate faster (see page 7, line 11 to page 8, line 25). Davies, however, fails to specifically disclose the properties of the tablet

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such as its capability of releasing a bubble from an inner portion of the particle, dissolution rate and its localized structure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the properties of the detergent tablet of Davies to be within those recited because similar tablets having similar ingredients with overlapping proportions have been utilized.

6. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry et al. (US Patent No. 5,225,100), hereinafter "Fry".

Fry teaches detergent tablet prepared by compaction of detergent powder formulation of Example 2 (see col. 15, lines 26-49), which is a spray-dried powder free of anionic surfactant and comprising 37.0 wt% Zeolite 4A, a total of 8.5 wt% nonionic surfactants, 14.9 wt% sodium carbonate, 5.0 wt% acrylate/maleic anhydride copolymer and 10.4 wt% water (which is construed as 10 wt%), and admixed with other ingredients, the final powder having a bulk density of 600 g/liter (see col. 10, lines 23-53). Fry, however, fails to specifically disclose the properties of the tablet such as its capability of releasing a bubble from an inner portion of the particle, dissolution rate and its localized structure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the properties of the detergent tablet of Fry to be within those recited because similar tablets having similar ingredients with overlapping proportions have been utilized.

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7. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiter et al. (US Patent No. 4,707,290), hereinafter "Seiter".

Seiter teaches a granular adsorbent (which is construed as a solid-shaped detergent) having a high uptake capacity for liquid ingredients of detergents and cleaning preparations comprising (a) 60 to 80 wt% synthetic aluminosilicate; (b) 0.05 to 15 wt% of sodium silicate; (c) 3 to 15 wt% of a homopolymer of a monomer selected from the group consisting of acrylic acid, methacrylic acid and maleic acid; or a copolymer made by polymerizing a mixture containing at least one of said monomers, and (d) 8 to 18 wt% of water removable at a temperature of about 145°C, the adsorbent having a bulk density in the range of about 400 to 700 g/l (see abstract; claim 1). The adsorbent may optionally include up to 5 wt% of a nonionic surfactant (see col. 2, lines 5-7). Seiter, however, fails to specifically disclose the properties of the granular adsorbent such as its capability of releasing a bubble from an inner portion of the particle, dissolution rate and its localized structure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the properties of the granular adsorbent of Seiter to be within those recited because similar ingredients with overlapping proportions have been utilized.

8. In the alternative, claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiter in view of Fry.

Seiter teaches the features as described above. Seiter, however, fails to specifically disclose a solid shaped detergent, the properties of the granular adsorbent

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such as its capability of releasing a bubble from an inner portion of the particle, dissolution rate and its localized structure.

Fry teaches the features as described above. In addition, Fry teaches that detergent tablets are generally made by compacting a detergent powder and that tablets have several advantages over powdered products in that they do not require measuring and thus are easier to handle and dispense into the washload, and they are more compact, hence, facilitating more economical storage (see col. 1, lines 13-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the properties of the granular adsorbent of Seiter to be within those recited because similar ingredients with overlapping proportions have been utilized and to prepare the granular adsorbent of Seiter in tablet form because tablets have several advantages over powdered products in that they do not require measuring and thus are easier to handle and dispense into the washload as taught by Fry.

Response to Arguments

9. Applicants' arguments filed March 2, 2005 have been fully considered but they are not persuasive.

With respect to the obviousness rejection based upon Davies, Applicants argue that Davies may disclose detergent compositions that are compacted to form tablets, but Davies never teaches, discloses or suggests spray-dried base particles having a localized structure as recited in instant claims 1-2, and Davies fails to mention any method at arriving at a base particle as recited in the present claims 1-2, having "a localized structure in which larger amounts of the water-soluble polymer and/or the water soluble

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structure in which larger amounts of the water-soluble polymer and/or the water soluble salt are present near the surface of the base particles rather than in the inner portion thereof". Applicants also argue that the localized structure of the base particles results from the base particles being a spray-dried particle as discussed in the specification at page 29, line 9 to page 33, line 5, and this type of particle structure (i.e., having a localized structure) is entirely unlike and different from the particle structures of Davies.

The Examiner respectfully disagrees with the above arguments because in Example 1, Davies teaches a detergent tablet prepared from a base powder comprising surfactant, 40.0 wt% zeolite, 1.0 wt% sodium carbonate, 3.7 wt% sodium disilicate, 16.8 wt% sodium percarbonate and 4.3 wt% water, wherein the base powder was sprayed with 5 wt% polyethylene glycol before compaction (see page 7, line 11 to page 8, line 25). The spraying of polyethylene glycol onto the base powder meets the instant claims' limitation "base particle having a localized structure in which larger amounts of the water-soluble polymer.....is present near the surface of the base particle rather than in the inner portion thereof". Applicants argue that the localized structure of the base particles results from the base particles being a spray-dried particle as discussed in the specification and that this type of particle structure is entirely unlike and different from the particle structures of Davies, however, Applicants fail to provide any showing or criticality of their spray-dried particle as opposed to a base particle like those of Davies. The rejection based upon Davies is therefore proper and is maintained.


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10. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The reference is considered cumulative to or less material than those discussed above.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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